

## UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

UNITED STATES OF AMERICA

## JUDGMENT IN A CRIMINAL CASE

V.

DERRICK KEE

Case Number: 07CR00404-01(KNF)

USM Number: 59576054

Curtis J. Farber, Esq. 350 Broadway 10<sup>th</sup> Floor NY, NY 10013  
Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) One-count misdemeanor information☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. 641	Fraudulently cashing a U.S. Government check (Class A Misd.)	January, 2006	1 (of 1)

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 15, 2007

Date of Imposition of Judgment

Kevin Nathaniel Fox

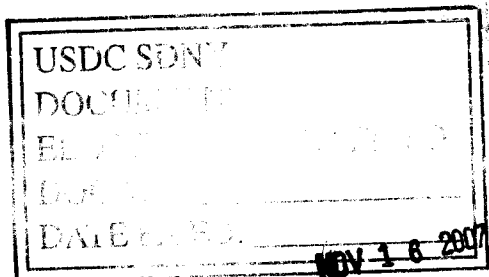
Signature of Judge

Kevin Nathaniel Fox, USMJ

Name and Title of Judge

November 16, 2007

Date



DEFENDANT: DERRICK KEE  
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### **SUPERVISED RELEASE**

Defendant is sentenced to time served. He shall be on supervised release for a term of:

Twelve (12) months, which shall include four (4) months of home confinement.

The defendant shall report to the probation office in the judicial district in which he resides within 72 hours of the imposition of this sentence.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. See Special Conditions below.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- X The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page(s).

### **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### **ADDITIONAL SUPERVISED RELEASE TERMS**

The Defendant shall make restitution in the amount of \$7,320.00, to be paid in monthly installments of 10% of the Defendant's gross monthly income during the period of supervision, beginning thirty (30) days after the date of judgment. Restitution is to be made via payment to the clerk of court for disbursement to the victims as follows:

\$2437.50 - Check Change Check Cashing Store - 452 11<sup>th</sup> Ave., New York, NY 10018  
\$2539.00 - Lazer Check Cashing Corp. - 680 12<sup>th</sup> Ave., New York, NY 10019  
\$641.50 - Continental Check Cashers - 729 4<sup>th</sup> Ave., Brooklyn, NY 11232  
\$970.50 - CLB Check Cashing - 43 Jamaica Ave., Brooklyn, NY 11207  
\$641.50 - Ridge Check Cashing - 370 Schermerhorn St., Brooklyn, NY 11217

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### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant shall:

- (1) comply with the conditions of home confinement for a period of four (4) months. During this time the defendant shall remain at his place of residence except for employment and other activities approved by his Probation Officer. Home confinement shall commence on a date to be determined by the Probation Officer;
- (2) not incur new credit charges or open additional lines of credit without the approval of his Probation Officer unless the defendant is in compliance with the restitution installment payment schedule;
- (3) participate in a program approved by the United States Probation Office, which program may include testing to determine whether the defendant has reverted to using drugs or alcohol. The Court authorizes the release of available drug treatment evaluations and reports to the substance abuse treatment provider, as approved by his Probation Officer. The defendant will be required to contribute to the costs of services rendered (co-payment), in an amount determined by his Probation Officer, based upon ability to pay or availability of third party payment;
- (4) submit his person, residence, place of business, vehicle, or any other premises under his control to a search on the basis that his Probation Officer has a reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. The search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition; and
- (5) be supervised in the judicial district where he resides.

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 25.00	\$ -0-	\$ 7230.00

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Check Change Check Cashing	\$2437.50	\$2437.50	
Lazer Check Cashing Corp.	\$2539.00	\$2539.00	
Continental Check Cashers	\$641.50	\$641.50	
CLB Check Cashing	\$970.50	\$970.50	
Ridge Check Cashing	\$641.50	\$641.50	

<b>TOTALS</b>	\$ <u>7230</u>	\$ <u>7230</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.